

Introduced by Senator Yee

February 24, 2009

An act to add Section 13211.7 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as introduced, Yee. Elections: names of candidates.

Existing law requires translation of ballots and ballot materials into languages other than English when specified circumstances exist.

This bill would require that phonetic translations of the English names of candidates be provided whenever the ballot materials are required to be translated. This bill would provide an exception to candidates who have non-English names by birth or have verifiably been known by a non-English name for at least 2 years, to permit him or her to use that name on the ballot instead of a phonetic translation.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13211.7 is added to the Elections Code,
2 to read:

3 13211.7. (a) In jurisdictions that are required to provide a
4 translation of ballot materials into a language other than English
5 pursuant to Section 9054 or 13209 of this code, or Section 203 (42
6 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.
7 1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots
8 shall contain a phonetic translation of the candidate's English
9 name.

10 (b) Notwithstanding subdivision (a), if a candidate has a
11 non-English name by birth, that can be verified by birth certificate
12 or other valid identification, he or she shall be permitted to use
13 that name on the ballot instead of a phonetic translation. A
14 candidate who does not have a non-English name by birth, but
15 who identifies by a particular non-English name and can
16 demonstrate to elections officials that he or she has been known
17 and identified within the public sphere with that name over the
18 past two years, shall be permitted to use that name instead of a
19 phonetic translation.

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.